

REMARKS

The Office Action states that claims 1-9 (Group I) are drawn to a system of identifying fraud, classified in class 705, claims 10-24 (Group II) are drawn to a method of identifying fraud, classified in class 705 and claims 25-27 (Group III) are drawn to a method of identifying fraud, classified in class 705. The Office Action requires election of either Groups I and II or Group III for examination. The requirement for election is respectfully traversed and reconsideration is requested.

The Office Action states that the invention of groups II and II are related as subcombinations usable together in a single combination. The Office Action also states that the subcombinations in this case are distinct because they have separate utility. The Office Action further states that the invention of Group III has separate utility, such as storing in memory terminating ANI and corresponding billing numbers (Office Action – page 2).

The applicants note that claim 25 recites the step of storing received data and an indicia of the time of a call, where the received data includes a terminating ANI and a billing number. Apparently, this step is considered to render claims 25-27 distinct from the claims of Group II and is the basis for the restriction. Claim 12, however, recites a similar step of creating a calling record for the current call and storing the calling record, where the calling record includes the terminating ANI, the billing number and an indicia of the time of the call. Therefore, since claim 12 is included in Group II and recites a similar feature as that of claim 25, the applicants believe that claims 25-27 should be examined together with Groups I and II.

In addition, in order for a restriction to be proper, the inventions must be independent and there must be a serious burden on the Examiner if the restriction is not made (MPEP § 803). The applicants respectfully submit that a search and examination of all the pending claims can be

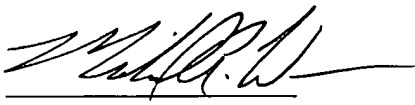
made without serious burden. As discussed above, claims 25-27 include features similar to those in Groups I and II. The Office Action has also not indicated that the claims of Group III would be classified in a different class than those of Groups I or II. Therefore, the applicants respectfully submit that the claims of Groups I, II and III can be examined together without serious burden. Accordingly, reconsideration of the Restriction Requirement and examination of pending claims 1-27 is respectfully requested.

In the event that the Examiner, after considering the discussion above, still believes that election is required, the applicants provisionally elect Groups I and II (claims 1-24).

Applicants wish to bring to the Examiner's attention co-pending application 09/575,469, cited at page 5, lines 1-4, of the present specification. An Information Disclosure Statement is being filed herewith, including prior art cited in connection with said co-pending application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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